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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,520	10/18/2001	Killian D. Murphy	CTV-006	8686
22888	7590	06/30/2005	EXAMINER	
BEVER HOFFMAN & HARMS, LLP TRI-VALLEY OFFICE 1432 CONCANNON BLVD., BLDG. G LIVERMORE, CA 94550			TRAN, MYLINH T	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,520

Applicant(s)

MURPHY, KILLIAN D.

Examiner

Mylinh Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's Request for reconsideration filed 12/06/04 has been entered and carefully considered. The arguments regarding rejections 35.U.S.C 103 to claims 1-21 have been found to be persuasive. These claims are rejected under the new ground of rejection as set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 11, 14-15 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. [US. 6,704,034].

As to claims 1, 14 and 18, Rodriguez et al. disclose identifying a selected region of a first image adjacent to a cursor in the GUI (figure 3F, the first image 302 is adjacent to the cursor 306); forming a magnified image including an enlarged version of the first image located in the selected region (figure 3F, the magnified image 314 including the enlarge version, column 5, lines 5-35), superimposing the magnified image over the first image such that the magnified image masks the selected region (figure 3F, superimposing the magnified image 314 over the first image 302);

Rodriguez et al. fail to clearly teach superimposing the cursor over the magnified image to form a second image. However, suggested that the cursor 306 can move to an image 304 (figure 3F, column 5, lines 50-55). Official notice is taken that implementation of the step of superimposing the cursor over the magnified image to form a second image would have been well known in the art of computer interface because the cursor 314 can superimpose over anyplace of the magnified image 314. It would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the well known implementation of superimposing the cursor over the magnified image to form a second image to combine with Rodriguez's superimposing the magnified image over the first image. Motivation of the combination would have been to facilitate selection of the background image 302.

As to claims 2 and 19, Rodriguez et al. also disclose the magnified image having a width equal to a width of the GUI, thereby enhancing the readability of the text in the first image (figures 3H).

As to claims 3 and 20, Rodriguez et al. show a location identified by the cursor relative to the magnified image being co-located with a location identified by the cursor relative to the first image (column 5, lines 50-65).

As to claims 4 and 21, Rodriguez et al. also show a user visually interacting with a magnified interface element at the location identified by the cursor relative to the magnified image actually interacting with an interface element at

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the location identified by the cursor relative to the first image (column 5, lines 40-67).

As to claims 11 and 15, Rodriguez et al. disclose the magnified image being superimposed over the first image such that a first edge of the magnified image extends to a first edge of the first image and a second edge of the magnified image extends to a second edge of the first image (figure 3E-figure 3H).

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-10, 12-13 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rodriguez et al. [US. 6,704,034] in view of Chui et al. [US. 6,407,747].

As to claim 5, Rodriguez et al. fail to clearly teach determining Cartesian coordinate data identifying a location of the cursor, calculating upper and left boundaries of the selected region based on the Cartesian coordinate data. However, in the same field of the invention, Chui et al. show determining Cartesian coordinate data is disclosed at figure 4H and calculating upper and left boundaries at column 6, lines 56-67 and column 7, lines 35-47. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian

coordinate data. Motivation of the combination would have been to place a magnified image in a correct position.

As to claim 6, Rodriguez et al. fail to clearly teach multiplying a distance from the cursor to a left boundary of the magnified image by a width of the selected region to form a first factor and dividing the first factor by a width of the magnified image to form a second factor; and subtracting the second factor from an X Cartesian coordinate of the cursor. However, in the same field of the invention, Chui et al. also teach multiplying a distance from the cursor to a left boundary at column 8, lines 25-55 and dividing the first factor by a width of the magnified image to form a second factor; and subtracting the second factor from an X Cartesian coordinate of the cursor at column 4, lines 52-67. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a right position.

As to claim 7, Rodriguez et al. fail to clearly teach multiplying a distance from the cursor to a upper boundary of the magnified image by a height of the selected region to form a third factor and dividing the third factor by a height of the magnified image to form a fourth factor; and subtracting the fourth factor from a Y Cartesian coordinate of the cursor. However, in the same field of the invention, Chui et al. also teach multiplying a distance (column 7, lines 35-47 and column 8, lines 30-65); dividing the third factor by a height of the magnified

image and subtracting the fourth factor from a Y Cartesian coordinate of the cursor (column 4, lines 52-67). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a right position. As to claims 8, 12 and 16, Rodriguez et al. also provide the second image being displayed within a television safe area on a display screen (figure 3H). As to claim 9, Rodriguez et al. fail to clearly teach alpha blending the first image with the magnified image, such that the first image shows through the magnified image. However, in the same field of the invention, Chui et al. demonstrate alpha blending the first image with the magnified image (column 7, lines 20-46). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a right position. As to claim 10, Rodriguez et al. disclose identifying a selected region of a first image adjacent to a cursor in the GUI (column 7, lines 10-20); forming a magnified image including an enlarged version of the first image located in the selected region (column 5, lines 5-35), superimposing the magnified image over the first image such that the magnified image masks the selected region (figure 3G-3H, column 5, line 50 through column 6, line 15) and superimposing the cursor over the magnified image to form a second image (column 5, lines 42-50).

"in figure 3D pointer 306 is over image 304, which is presented in a magnified or larger form". Rodriguez et al. fail to clearly teach the step of determining Cartesian coordinate data identifying a first point on the first image located under the cursor. However, in the same field of the invention, the claimed limitations are disclosed by Chui at column 6, lines 56-67 and column 7, lines 35-47. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Chui's teaching with Rodriguez's magnified image. Motivation of the combination would have been to locate the cursor and the image at a right location.

As to claim 13, Rodriguez et al. fail to clearly teach a user visually interacting with a magnified interface element at the second point actually interacts with an interface element at first point. However, in the same field of the invention, the claimed limitation is disclosed by Chui at column 11, lines 12-32. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a right position.

As to claim 17, Rodriguez et al. fail to clearly teach a user visually interacting with a magnified interface element at the second selected point actually interacts with an interface element at first selected point. However, in the same field of the invention, the claimed limitation is disclosed by Chui at column 11, lines 12-35. It would have been obvious to one of ordinary skill in the art, at the

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time the invention was made, to combine the teaching of Rodriguez et al. with Chui's Cartesian coordinate data. Motivation of the combination would have been to place a magnified image in a right position.

Response to Arguments

Applicant's arguments about the feature of "superimposing the cursor over the magnified image" has been considered but are moot in view of the new ground of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at 571-272-4136.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:


571-273-4141 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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